IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.818 OF 1989

Bank of India ..Plaintiff

V/s.

M/s.Gem Jewellery & Plastic Chemicals Pvt. Ltd. ..Defendants

Mr.Ajay Khaire i/b. M.S.Bodhanwala & Co., advocate, for plaintiff

CORAM : V.C.DAGA, J.

DATE : 11TH DECEMBER, 2007

P.C.

1. By an order dated 23rd August, 2007, issues were framed and plaintiff was directed to file affidavit of evidence in support of suit claim together with the original documents by 9th October, 2007. Till that time no steps were taken by the plaintiff to comply with the said order. Thereafter, again the matter appeared on board on 24th October, 2007. Even, on that date also earlier directions were not complied with by the plaintiff.

In the result, one more chance was given to the plaintiff to comply with the said order and to file affidavit of evidence and the original documents by 25th November, 2007. Plaintiff did not comply with the said directions. Plaintiff neither complied with the said order nor filed affidavit of evidence. Again this matter appeared before this Court on 27th November, 2007 reporting non-compliance of the earlier order. As a matter of fact, suit is liable to be dismissed for non-compliance of the earlier orders of this Court. However, by way of last chance, time was granted to comply with the earlier order and to file affidavit of evidence subject to payment of cost quantified in the sum of Rs.5,000/-. On that date also the plaintiff-Bank did not comply with the earlier orders. An amount of cost was directed to be paid by an order dated 27th November, 2007 has also not been deposited by the plaintiff-Bank. Under these circumstances, for non-compliance of the orders dated 23rd August, 2007, 24th October, 2007, 27th

November, 2007 and for non-payment of cost and also for want of evidence, suit is dismissed with no order as to cost.

(**V.C.DAGA, J.**)